

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

STANLEY CHARLES,
Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, UNITED STATES
MARSHALS SERVICE, SANDY RAO,
GEORGEANNA GILLISON AND
ALEX RODRIGUEZ,
Defendants.

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CIVIL ACTION No.

CV 12-1341
(DEMAND FOR JURY TRIAL)

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

2012 MAR 19 PM 12:55

FILED
CLERK

GOLD, M.J. Hon. Brodie

PLAINTIFF'S COMPLAINT AND JURY DEMAND

Plaintiff, Stanley Charles (hereinafter, "Plaintiff" or "Charles") files his Complaint against Defendants, United States Department of Justice, United States Marshals Service, Sandy Rao, Georgeanna Gillison and Alex Rodriguez, states the following:

I.
NATURE OF THE CASE

This is an action for personal injuries arising from a motor vehicle accident on June 20, 2011 on Nostrand Avenue near its intersection with Tilden Avenue in Brooklyn, New York.

Plaintiff was lawfully riding his bicycle on Nostrand Avenue near its intersection with Tilden Avenue, when he was forcibly struck by Defendant, Sandy Rao, who was attempting to effectuate an arrest of defendant, Alex Rodriguez, who was evading law enforcement officers.

II.

PARTIES

1. Plaintiff, Stanley Charles is an individually currently residing in the State of New York, with an address located at 401 East 95th Street, Brooklyn, New York 11212.

2. Defendant, Sandy Roa, is an individual currently residing in the State of New York, with an address located at 88th 10th Avenue, New York, NY. Defendant is an operator of a 2007 Dodge bearing plate number EBY2126 for the State of New York.

3. United States Department of Justice is a governmental entity/agency with a principal place of business located at 1425 New York Avenue Northwest, Washington, DC 20005.

4. United States Marshals, is a governmental entity/agency with a principal place of business located at 1425 New York Avenue Northwest, Washington, DC 20005.

5. Defendant, Alex Rodriguez, is an individual currently residing in the State of New York, with an address located at 285 Howthorne Street, Brooklyn, New York 11235. Defendant is an owner of a 2006 Toyota bearing plate number 513YRD for the State of New Connecticut.

6. Defendant, Georgeanna Gillison, is an individual currently residing in the State of Connecticut, with an address located at 254 Goddard Avenue, Bridgeport, Connecticut. Defendant is an owner of a 2006 Toyota bearing plate number 513YRD for the State of New Connecticut.

III.
JURISDICTION

7. **SUBJECT MATTER JURISDICTION.** The United States District Court for the Eastern District of New York has subject matter jurisdiction over this action pursuant to the provisions of the Federal Tort Claims Act, 28 U.S.C.A. §§ 1346(b) in that this matter is a civil action between an individual and United States Governmental Agencies and their employee(s) wherein the amount in controversy is believed to exceed the sum of \$75,000.00, exclusive of interests and costs.

8. **PERSONAL JURISDICTION.** This Court has personal jurisdiction over, Defendants, United States Marshals, Sandy Roa, Georgeanna Gillison and Alex Rodriguez.

IV.
FACTUAL BACKGROUND

9. On June 20, 2011, at approximately six thirty o'clock in the evening, the Plaintiff was riding his bicycle near the intersection of Nostrand Avenue and Tilden Avenue, Brooklyn, New York. At the same time, Defendant, Alex Rodriguez, was attempting to evade federal law enforcement officers, who were attempting to effectuate an arrest which caused a collision and injured the plaintiff severely. That the Defendants negligently and carelessly drove their vehicles and struck the body of the plaintiff.

10. As a result of the impact, Plaintiff was thrown from his bicycle to the ground, sustaining multiple serious injuries to his cervical and lumbar spines.

11. Plaintiff's upper and lower back and other injuries prevented him from transacting business, suffered great pain of body and mind, and incurred expenses for medical attention and hospitalization.

12. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendants without any fault or negligence on the part of the Plaintiff contributing thereto.

13. That Defendants were negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of their vehicles and the Defendants were otherwise negligent, careless and reckless under the circumstances then and there prevailing.

14. That by reason of the foregoing, Plaintiff, sustained severe and permanent personal injuries and was otherwise damaged.

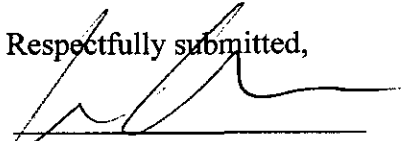
V.
JURY DEMAND

15. Plaintiff hereby demands a jury trial.

VI.
PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Stanley Charles, requests judgment against Defendants, United States Marshals, Sandy Roa, Georgeanna Gillison and Alex Rodriguez, in the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars and costs.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Akiva Ofshtein', written over a horizontal line.

AKIVA OFSHTEIN, ESQ.,
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(718) 455-5252

ATTORNEYS FOR PLAINTIFF
STANLEY CHARLES